

# EXHIBIT X

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

ADVANCEME, INC.

Plaintiff,

V.

RAPIDPAY LLC, BUSINESS CAPITAL  
 CORPORATION, FIRST FUNDS LLC,  
 MERCHANT MONEY TREE, INC.,  
 REACH FINANCIAL, LLC and FAST  
 TRANSACT, INC. d/b/a SIMPLE CASH

Defendants.



CIVIL ACTION NO. 6:05-cv-424-LED-JDL

## DECLARATION OF GERETTE SORWELL

I, Gerette Sorwell, pursuant to 28 U.S.C. § 1746 and Rule 902 of the Federal Rules of Evidence, verify that the following is true and correct:

1. I am over 18 years of age and employed by Clever Ideas-LeCard, Inc. (“LeCard”) in part as custodian of records or other qualified witness for the purposes of this declaration regarding LeCard’s business records. I am familiar with the records that were created and maintained by LeCard relating to the LeCard cash and advertising advance program prior to 1997, and I executed a “Declaration of Self-Authentication of Business Records” on June 26, 2006.

2. In June of 2006, I was asked by Lee Suckow, Chairman and CEO of LeCard, to search for all documents related to LeCard's cash and advertising advance program prior to 1997. I agreed to do so.

3. I thoroughly searched LeCard's files for all documents related to LeCard's cash and advertising advance program prior to 1997 and, with the help of other LeCard

employees, found 12 pages of documents. I gave these 12 pages of non-confidential documents to counsel for defendants Merchant Money Tree, Inc., First Funds LLC, and Reach Financial LLC ("Defendants").

4. I found no other documents related to the LeCard cash and advertising advance program during my search of LeCard's documents and gave no other documents related to the LeCard cash and advertising advance program to counsel for Defendants.

5. While other documents related to the LeCard cash and advertising advance program would have existed roughly 15 years ago, I was unable to find more than the 12 pages I gave to counsel for Defendants during my search in June of 2006. The documents marked LC\_00001-12 set forth the program's operation, to which I testified at my deposition on February 14, 2007.

6. LeCard and Diners Club entered an agreement related to the LeCard cash and advertising advance program in roughly 1990, although I was unable to find this agreement during my search.

7. The 12 pages of documents I found were introduced at my deposition on February 14, 2007 as Exhibit 3 and bear the label LC\_00001-12 at the bottom right of each document. These same 12 pages of documents were the subject of my previous "Declaration of Self-Authentication of Business Records," which I signed June 26, 2006.

I declare under penalty of perjury that the foregoing statements made by me are true and correct.

Executed on May 9<sup>th</sup>, 2007

